

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DENISE WILSON,)	CASE NO. 5:16-cv-2509
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION AND
)	ORDER
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
DEFENDANT.)	

Before the Court is the report and recommendation of Magistrate Judge William Baughman, recommending that the decision of the defendant Commissioner of Social Security (“defendant”) denying the application of plaintiff Denise Wilson (“plaintiff”) for Disability Insurance Benefits (“DIB”) be reversed and remanded for further proceedings regarding consideration of the opinion of plaintiff’s treating physician, Dr. Nilesh Shah, and whether the administrative law judge’s determination of plaintiff’s residual functional capacity is supported by substantial evidence. (*See* Doc. No. 22 (Report and Recommendation [“R&R”]) at 754, 767-69.¹) The defendant’s response states that it will not be filing objections to the R&R. (Doc. No. 23.)

¹ References to page numbers are to the page identification numbers generated by the Court’s electronic filing system.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Baughman's report and recommendation and accepts and adopts the same. Accordingly, the final decision of the Commissioner is reversed and vacated, and this matter is remanded for further proceedings consistent with this Court's ruling.

IT IS SO ORDERED.

Dated: December 12, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE